

haynesboone

February 1, 2013

Chief Judge Sidney A. Fitzwater  
United States District Court  
Northern District of Texas  
1100 Commerce Street  
Room 1528  
Dallas, Texas 75242-1003

Re: January 30, 2012 Order

Dear Chief Judge Fitzwater:

In Your order dated January 30, 2012, you asked counsel for L&M Arts ("L&M") to advise the court whether any parts of the August 23, 2012 L&M Arts's Sealed Objections to Magistrate Judge's August 9, 2012 Discovery Order remain to be decided.

L&M's Objections remain to be decided in full. The parties have neither scheduled the 30(b)(6) deposition nor agreed to limit the scope of that examination.

We urge Your Honor to grant L&M's Objections and enter a protective order against the unreasonable and harassing 30(b)(6) Notice that Plaintiff served on L&M. First, as Your Honor recognized, the time for discovery in this case ended on May 30, 2012,<sup>1</sup> and the testimony that Plaintiff seeks duplicates testimony she has already taken from L&M's principals. L&M's principals gave extensive deposition testimony over the course of three days in March and April 2012, which testimony L&M has adopted. Second, Judge Stickney ignored his prior discovery orders in refusing to limit the topics of examination. And third, although Plaintiff claims the need to grill a corporate representative about 54 information technology issues, the fact of the matter is that discovery has long since closed and L&M has complied with all of Judge Stickney's orders concerning electronic searching and production.

---

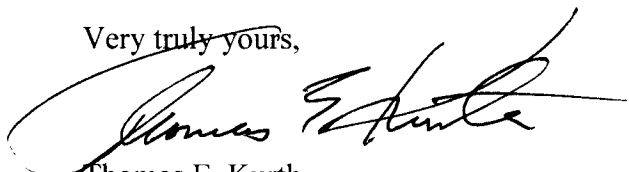
<sup>1</sup> L&M presented one of its principals during in March 2012 for a 30(b)(6) examination, but Plaintiff declined to proceed.

haynesboone

Chief Judge Sidney A. Fitzwater  
February 1, 2013  
Page 2

L&M respectfully asks Your Honor to grant its Objections and enter a protective order against Plaintiff's 30(b)(6) Notice.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas E. Kurth", with a large, sweeping flourish extending to the right.

Thomas E. Kurth  
Direct Phone Number: (214) 651-5621  
Direct Fax Number: (214) 200-0506  
[thomas.kurth@haynesboone.com](mailto:thomas.kurth@haynesboone.com)

TEK:cbw

cc: All Counsel of Record (*by ECF*)